UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF CALIFORNIA

'08 MJ 1916

UNITED STATES OF AMERICA, Plaintiff, v. **Cosme Daniel RINCON-Alfaro,** Defendant	)	Magistrate Docket No. COMPLAINT FOR VIOLATION OF: Title 8, U.S.C., Section 1326 Deported Alien Found in the United States

The undersigned complainant, being duly sworn, states:

On or about **June 20, 2008** within the Southern District of California, defendant, **Cosme Daniel RINCON-Alfaro,** an alien, who previously had been excluded, deported and removed from the United States to **Mexico**, was found in the United States, without the Attorney General or his designated successor, the Secretary of the Department of Homeland Security (Title 6, United States Code, Sections 202(3) and (4), and 557), having expressly consented to the defendant's reapplication for admission into the United States; in violation of Title 8 United States Code, Section 1326.

And the complainant further states that this complaint is based on the attached statement of facts, which is incorporated herein by reference.

SIGNATURE OF COMPLAINANT
James Trombley
Senior Patrol Agent

SWORN TO BEFORE ME AND SUBSCRIBED IN MY PRESENCE, THIS **23rd DAY OF JUNE 2008.**

Louisa S. Porter
UNITED STATES MAGISTRATE JUDGE

CONTINUATION OF COMPLAINT:
Cosme Daniel RINCON-Alfaro

PROBABLE CAUSE STATEMENT

I declare under the penalty of perjury that the following statement is true and correct:

On Friday, June 20, 2008, at approximately 1:00 a.m., Border Patrol Agent Waite was conducting line watch operations in the area of Tecate, California. At that time, Agent Waite observed foot sign proceeding north from the border in an area approximately one tenth of a mile east of the Tecate, California Port of Entry and approximately 100 yards north of the United States/Mexico International Border.

Agent Waite began following the foot sign from the group towards a truck lot near Emery Road. Agent Waite followed the foot sign for approximately 500 yards, when he observed a group attempting to hide in the back of a dump truck. Agent Waite identified himself as a United States Border Patrol Agent and questioned the individuals regarding their citizenship and nationality. All thirteen individuals, including one later identified as the defendant **Cosme Daniel ALFARO-Rincon**, freely admitted that they were citizens and nationals of Mexico. Agent Sweet questioned the group regarding any immigration documents they might have allowing them to enter or remain in the United States legally. All thirteen individuals stated that they did not have any immigration documents allowing them to enter or remain in the United States legally. At approximately 1:20 a.m., all thirteen individuals were arrested and transported to the Tecate Processing Center.

Routine record checks of the defendant revealed a criminal and immigration history. The defendant's record was determined by a comparison of his criminal record and the defendant's current fingerprint card. Official immigration records of the Department of Homeland Security revealed the defendant was previously deported to **Mexico** on **June 18, 2008** through **San Ysidro, California.** These same records show that the defendant has not applied for permission from the Attorney General of the United States or his designated successor, the Secretary of the Department of Homeland Security, to return to the United States after being removed.

The defendant was advised of his Miranda rights. The defendant stated that he understood his rights and was willing to answer questions without an attorney present. The defendant admitted that he is a citizen and national of Mexico illegally present in the United States. The defendant further admitted that he had been previously deported from the United States and has not applied or requested permission to re-enter the United States legally.

Executed on June 21, 2008 at 9:00 a.m.

Carlos R. Chavez
Senior Patrol Agent

On the basis of the facts presented in the probable cause statement consisting of **1** page(s), I find probable cause to believe that the defendant named in this probable cause statement committed the offense on **June 20, 2008** in violation of Title **8**, United States Code, Section **1326**.

Louisa S. Porter
United States Magistrate Judge

6/21/08 11:00 AM
Date/Time